

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CITIMORTGAGE, INC., : **CIVIL ACTION NO. 1:06-CV-0457**

Plaintiff : (Judge Conner)

v.

GLORIA J. O'NEAL,

Defendant :

ORDER AND AMENDED JUDGMENT

AND NOW, this 11th day of April, 2011, upon consideration of the motion for reassessment of damages (Doc. 27), asking this court to modify the order and judgment entered in favor of plaintiff on May 30, 2006 (Doc. 11), to add interest and additional fees accrued through the date of the Marshal's Sale, and it appearing that the court's order required the Marshal's Sale to occur within 180 days of the date of judgment, and it further appearing that the Marshal's Sale has been scheduled for April 21, 2011 (see Doc. 27 ¶ 6), and that it was not scheduled within the 180-day period because of a backlog of sales at the U.S. Marshall's Office, plaintiff's attempt to assist defendant with home retention options, and defendant's subsequent Chapter 13 bankruptcy, which stayed sale of the property (see id. ¶¶ 3, 5), and it appearing that defendant's bankruptcy proceedings were dismissed by

order of the bankruptcy court (see id. Ex. C) dated November 18, 2010,¹ and the court concluding that judgment modification is justified by the delay in the Sale, see FED. R. CIV. P. 60(b) (authorizing the court to amend a final judgment for any “reason justifying relief”), it is hereby ORDERED that:

1. The motion (Doc. 27) is CONSTRUED as a request to remove the 180-day restriction in the court’s order and judgment (Doc. 11). The motion is GRANTED as so construed. Plaintiff shall execute the Marshal’s Sale on or before April 21, 2011.
2. The motion (Doc. 27) is GRANTED to amend the judgment entered in favor of plaintiff as follows:

Principal	\$ 231,716.25
Interest to 4/21/11	\$ 78,221.27
Late charges	\$ 428.79
Attorney’s Fees	\$ 1,950.00
Costs of the Suit and Title	\$ 1,735.89
Sheriff’s Sale Costs	\$ 135.35
Property Inspections	\$ 642.05
Appraisal/Broker’s Price Opinion	\$ 168.00
Mortgage Insurance Premium/	\$ 0.00
Private Mortgage Insurance	
Non Sufficient Funds Charge	\$ 15.00
Escrow Deficit	\$ 42,623.52
JUDGMENT as of 4/21/11	\$ 357,636.12

3. The judgment entered on May 30, 2006 (Doc. 11) remains in full force and effect except as expressly modified by this order.

S/ Christopher C. Conner
 CHRISTOPHER C. CONNER
 United States District Judge

¹ Plaintiff previously filed a motion to reassess damages on August 18, 2008. (Doc. 19). The court ordered plaintiff to file supplemental documents in support of its motion explaining the delay in the Marshal’s Sale and the daily interest rate calculation (see Doc. 21), however plaintiff withdrew the motion on August 29, 2008. (Doc. 22). The present motion is accompanied by documentation and explanation, which account for the delay and justify the damages reassessment calculation. (See Doc. 27 ¶¶ 3, 5, 8, 9).